

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JHISIAH MYERS, on behalf of himself and all others :
similarly situated, :

Plaintiff, :

v. :

COUNTY OF NASSAU, NASSAU COUNTY CIVIL :
SERVICE COMMISSION, and NASSAU COUNTY :
POLICE DEPARTMENT :

Defendants. :
----- X

Civil Action No.: 22-cv-7023

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Mark J. Lesko, sworn to October 12, 2023, the exhibits annexed thereto, the accompanying Memorandum of Law, and all prior proceedings had herein, and in accordance with the briefing schedule set by the Court on September 12, 2023 (“Briefing Schedule Order”), Defendants County of Nassau, Nassau County Civil Service Commission, and Nassau County Police Department (collectively, “Defendants”), by and through their attorneys, Greenberg Traurig, LLP, will move this Court at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, Courtroom 6C South, on a date and time to be determined by the Court, for an Order: (i) pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure (“Rules”), dismissing the class action complaint (“Complaint”) of Plaintiff Jhisaiah Myers (“Plaintiff”); or, in the alternative, (ii) striking the class allegations and denying class certification pursuant to Rule 23(c)(1)(A); and (iii) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Briefing Schedule Order, Plaintiff’s opposition must be served on or before November 13, 2023, and Defendants’

reply must be served on or before November 27, 2023. All papers in support of, or in opposition to this motion will be filed with the Court on November 27, 2023.

Dated: Garden City, New York
October 12, 2023

GREENBERG TRAURIG, LLP

By: s/Mark J. Lesko
Jonathan L. Sulds
Mark J. Lesko
Tiffany S. Fordyce (*pro hac vice*)
Kathryn C. Cole
John R. DiCioccio
Paige D. Bartholomew
900 Stewart Avenue, 5th Floor
Garden City, New York 11530
(516) 629-9600

*Attorneys for Defendants
County of Nassau, Nassau County
Civil Service Commission and
Nassau County Police Department*

CERTIFICATE OF SERVICE

I, Mark J. Lesko, hereby certify that on October 12, 2023, I caused true and correct copies of the foregoing: (i) Notice of Motion to Dismiss and/or Strike; (ii) Declaration of Mark J. Lesko, sworn to October 12, 2023, with exhibits; (iii) Defendants' Memorandum of Law; and (iv) this Certificate of Service, to be served upon the following attorneys of record for Plaintiff Jhisaiah Myers by electronic mail:

LAW OFFICES OF
FREDERICK K. BREWINGTON
Frederick K. Brewington
Albert Darnell Manuel, III
Cobia Malik Powell
Leah Elizabeth Jackson
556 Peninsula Boulevard
Hempstead, NY 11550
Email(s): fred@brewingtonlaw.com
a.shamel.manuel@brewingtonlaw.com
cobia.powell@brewingtonlaw.com
leah.jackson@brewingtonlaw.com

NEWMAN FERRARA LLP
Debra Sue Cohen
Randolph M. McLaughlin
1250 Broadway
27th Floor
New York, NY 10001
Email(s): dcohen@nflp.com
rmclaughlin@nflp.com

PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
Liza M. Velazquez
Lorin L. Reisner
Johan E. Tatoy
1285 Avenue of the Americas
New York, NY 10019
Email(s): lvelazquez@paulweiss.com
lreisner@paulweiss.com
jtatoy@paulweiss.com

s/ Mark J. Lesko
Mark J. Lesko